

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

TONY L. ADY, JR., #1656901

§

VS.

§

CIVIL ACTION NO. 6:18cv622

DR. MARKS

§

ORDER OF DISMISSAL

Plaintiff Tony L. Ady, Jr., an inmate confined in the Texas prison system, proceeding *pro se*, filed the above-styled and numbered civil rights lawsuit pursuant to 42 U.S.C. § 1983. The complaint was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation (Dkt. #22) concluding that the lawsuit should be dismissed for want of prosecution and failure to obey an order.

On June 21, 2019, Mr. Ady filed his objections to the Report. (Dkt. #24). In his objections, Mr. Ady complains that since he has been granted *in forma pauperis* status why should he be required to pay the initial partial filing fee. Mr. Ady was instructed to pay an initial partial filing fee of \$5.66 in the court's January 2, 2019 Order. (Dkt. #8). A review of the Court's docket reflects that Magistrate Judge Love has granted three extensions of time to either pay the initial partial filing fee or submit a new application to proceed *in forma pauperis* on the standardized form, along with a current six-month history of his Inmate Account Activity sheet, showing his inability to pay the initial partial filing fee. (Dkt. ###11, 18, 21). As of this date of this Order, Mr. Addy has not paid the initial partial filing fee.

Mr. Ady submitted a current *in forma pauperis* data sheet with his objections, dated June 20, 2019, in Cause No. 6:18cv637 (Dkt. #22-1), *Addy v. FNU Rodrigous, et al.* Mr. Ady's *in forma pauperis* data sheet reflects a current balance of \$26.16. Mr. Ady has sufficient funds to pay the \$5.66

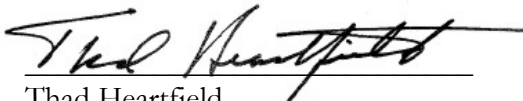
initial partial filing fee. In the present case, Mr. Ady filed a motion to proceed *in forma pauperis* (Dkt. #23) but did not attach an *in forma pauperis* data sheet to the motion—despite the fact that the form motion clearly states in bold print: “**YOU MUST ATTACH A CURRENT SIX (6) MONTH HISTORY OF YOUR INMATE TRUST ACCOUNT. YOU CAN ACQUIRE THE APPROPRIATE INMATE ACCOUNT CERTIFICATE FROM THE LAW LIBRARY AT YOUR PRISON UNIT.**” The case should be dismissed for want of prosecution and failure to obey an order.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Mr. Ady, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections by Mr. Ady are without merit. The court, therefore, adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the court. It is therefore

**ORDERED** that Mr. Ady’s most recent application to proceed *in forma pauperis* (Dkt. #23) is **DENIED**. It is further

**ORDERED** that the complaint is **DISMISSED** without prejudice for want of prosecution and failure to obey an order of the court. Fed. R. Civ. P. 41(b); Rule 41, Local Rules for the Eastern District of Texas. All motions not previously ruled on are **DENIED**.

**SIGNED** this the 1 day of July, 2019.

  
Thad Heartfield  
United States District Judge